

1 MITCHELL D. GLINER, ESQ.
2 Nevada Bar #003419
3 3017 West Charleston Blvd., #95
4 Las Vegas, NV 89102
5 (702) 870-8700
6 (702) 870-0034 Fax
7 Attorney for Plaintiff

8
9 UNITED STATES DISTRICT COURT
10 DISTRICT OF NEVADA
11

12 CARLOS HERNANDEZ,)
13)
14 Plaintiff,)
15) No.
16 vs.)

17 REDLINE RECOVERY SERVICES, LLC)
18 a foreign limited liability)
19 company,)
20)
21 Defendant.)

22 JURY DEMANDED

23 LAW OFFICES
24 MITCHELL D. GLINER
25 3017 W. Charleston Blvd.
26 Suite 95
27 Las Vegas, Nevada 89102
28 (702) 870-8700

COMPLAINT

JURISDICTION

1 The jurisdiction of this Court attains pursuant to the
2 FDCPA, 15 U.S.C. § 1692k(d), 28 U.S.C. § 1331, 28 U.S.C. § 1332,
3 and the doctrine of supplemental jurisdiction. Venue lies in the
4 Southern Division of the Judicial District of Nevada as Plaintiff's
5 claims arose from acts of the Defendant(s) perpetrated therein.

PRELIMINARY STATEMENT

6 This action is instituted in accordance with and to
7 remedy Defendant's violations of the Federal Fair Debt Collection
8 Practices Act, 15 U.S.C § 1692 et seq. (hereinafter "FDCPA"), and
9 of related state law obligations brought as supplemental claims
10 hereto.

1 3. In 2008, Defendant initiated a campaign of abusive,
2 unfair, unreasonable, and unlawful debt collection activity
3 directed against Plaintiff.

4 4. As a result of these and other violations of law,
5 Plaintiff seeks hereby to recover actual and statutory damages
6 together with reasonable attorney's fees and costs.

7
8 PARTIES

9 5. Plaintiff, Carlos Hernandez, is a natural person who
10 resides in Las Vegas, Nevada, and is a "consumer" as defined by 15
11 U.S.C. Section 1692a(3) and allegedly owes a "debt" as defined by
12 15 U.S.C. Section 1692a(5).

13 6. Defendant, Redline Recovery Services, LLC, (Redline), is
14 a foreign limited liability company, the principal purpose of whose
15 business is the collection of debts, operating a debt collection
16 agency from its principal place of business in Getzville, NY, and
17 regularly collects or attempts to collect debts owed or due or
18 asserted to be owed or due another, and is a "debt collector" as
19 defined by 15 U.S.C. Section 1692a(6).

20 FACTUAL ALLEGATIONS

21 7. Plaintiff(s) repeat, reallege and assert all factual
22 allegations contained in the preliminary statement to this
23 Complaint and reassert them as incorporated in full herein.

24 8. On April 4, 2008, Plaintiff wrote Defendant advising of
25 his refusal to pay (Exhibit 1).

1 9. Plaintiff's written refusal to pay required Defendant to
2 cease and desist all collection communications in accordance with
3 FDCPA § 1692c(c):

4 (c) **Ceasing communication** - *If a consumer*
5 *notifies a debt collector in writing that the*
6 *consumer refuses to pay a debt or that the*
7 *consumer wishes the debt collector to cease*
8 *further communication with the consumer, the*
9 *debt collector shall not communicate further*
10 *with the consumer with respect to such debt.*

11 10. Defendant received Exhibit 1 on April 10, 2008, (Exhibit
12 2).

13 11. Since April 10, 2008, Plaintiff has been serially
14 harassed by Defendant's repeated threatening calls.

15 12. On April 22, 2008, one of Defendant's collectors told
16 Plaintiff he must pay immediately or would be immediately sued.

17 13. Defendant called from 866-281-5701.

18 14. Defendant's continued phone contacts to Plaintiff, at
19 times and at a place known to be inconvenient to Plaintiff, were
20 made in violation of FDCPA § 1692c(a)(1). Fox v. Citicorp Credit
21 Services, Inc., 15 F.3d 1507, 1516, fn. 10 (9th Cir. 1994), Austin
22 v. Great Lakes Collection Bureau, Inc., 834 F. Supp. 557, 559 (D.
23 Conn. 1993).

24 15. The foregoing acts and omissions of Defendant were
25 undertaken by it willfully, maliciously, and intentionally,
26 knowingly, and/or in gross or reckless disregard of the rights of
27 Plaintiff.

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1 16. Indeed, the foregoing acts and omissions of Defendant
2 were undertaken by it indiscriminately and persistently, as part of
3 its regular and routine debt collection efforts, and without regard
4 to or consideration of the identity or rights of Plaintiff.

5 17. As a proximate result of the foregoing acts and omissions
6 of Defendant, Plaintiff has suffered actual damages and injury,
7 including, but not limited to, stress, humiliation, mental anguish
8 and suffering, and emotional distress, for which Plaintiff should
9 be compensated in an amount to be proven at trial.

10 18. As a result of the foregoing acts and omissions of
11 Defendant, and in order to punish Defendant for its outrageous and
12 malicious conduct, as well as to deter it from committing similar
13 acts in the future as part of its debt collection efforts,
14 Plaintiff is entitled to recover punitive damages in an amount to
15 be proven at trial.

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16
17 CAUSES OF ACTION

18 COUNT I

19 19. The foregoing acts and omissions of Defendant constitute
20 violations of the FDCPA, including, but not limited to, Sections
21 1692c, 1692d and 1692e.

22 20. Plaintiff is entitled to recover statutory damages,
23 actual damages, reasonable attorney's fees, and costs.

24
25 COUNT II

26 21. The foregoing acts and omissions constitute unreasonable
27 debt collection practices in violation of the doctrine of Invasion
28 of Privacy. *Kuhn v. Account Control Technology, Inc.*, 865 F. Supp.

1 1443, 1448-49 (D. Nev. 1994); *Pittman v. J. J. Mac Intyre Co. of*
2 *Nevada, Inc.*, 969 F. Supp. 609, 613-14 (D. of Nev. 1997).

3 22. Plaintiff is entitled to recover actual damages as well
4 as punitive damages in an amount to be proven at trial.


5 JURY DEMANDED

6 Plaintiff hereby demands trial by a jury on all issues so
7 triable.

8 WHEREFORE, Plaintiff prays that this Honorable Court grant the
9 following relief:

- 10 1. Award actual damages.
11 2. Award punitive damages.
12 3. Award statutory damages of \$1,000 pursuant to 15 U.S.C.
13 § 1692k.
14 4. Award reasonable attorney fees.
15 5. Award costs.
16 6. Grant such other and further relief as it deems just and
17 proper.
18

19 Respectfully submitted,
20
21

22 
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April 4, 2008

CERTIFIED MAIL, RETURN RECEIPT REQUESTED

REDLINE RECOVERY SERVICES, LLC
2350 North Forest Road, Suite 31B
Getzville, NY 14068

Dear Sir:

My name is Carlos Hernandez. Earlier today one of your representatives called harassing me. I live in Pahrump, Nevada.

2580 Carnation Way
Pahrump, Nevada 89048

I refuse to pay.

Sincerely

Carlos Hernandez

EXHIBIT 1

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

*Redline Recovery
Services, LLC
2350 North Forest Road
Ste. 318
Getzville, NY 14068*

2. Article Number
(Transfer from service label)

7005 2570 0000 3475 7408

PS Form 3811, February 2004

Domestic Return Receipt

C. Hernandez

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

Fitzpatrick
☒ Agent
☐ Addressee

B. Received by (Printed Name)

G. Fitzpatrick

C. Date of Delivery

*4/10*D. Is delivery address different from item 1? ☒ YesIf YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes**EXHIBIT 2**